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Attorney File Ref: 102792-572 / 11348P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Fabrizio GAVELLI et al.
Serial No.: 10/576770
Filed: 21 April 2006
Examiner: Ilya Y. TREYGER
Art Group: 3709
Title: **ARTICLE AND METHOD**

PER TELEFAX 571-273-8300

01 February 2008

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

Dear Sir;

AMENDMENT

This paper is responsive to the Office Action dated 04 May 2007 in the instant application, and is accompanied by a suitable *Petition* to revive the present application.

Authorization to charge the amount of any necessary extension of time is incorporated in this paper.

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both the Abercrombie and Channer references, and thus claim 12 is believed to be patentable as well.

In view of the foregoing remarks, reconsideration of the rejections raised by the Examiner is respectfully requested, and early issuance of a *Notice of Allowance* is solicited. Should the Examiner in charge of this application believe that telephonic communication with the undersigned representative would meaningfully advance the prosecution of this application towards allowance, the Examiner is invited to contact the undersigned at their convenience.

Regarding the Examiner's statement in the "Notice of Abandonment":

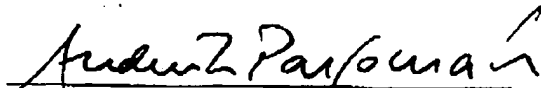
The applicant traverses the Examiner's remarks that "the abandonment was confirmed by applicant's representative." No such confirmation was made, rather in a telephonic communication with the Examiner the undersigned noted that the Office Action was never received, and that an appropriate response would be filed following consultation with the client. This paper, and the accompanying *Petition* is believed to provide *prima facie* evidence contrary to the Examiner's remark.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, including but not limited to any fees for extensions of time in order to permit for the timely entry of this paper, and for excess claims fees, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263, and to consider this authorization as a petition for such necessary relief.

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Respectfully Submitted;



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Date:

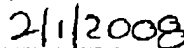
Tel: 212 808-0700

CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper and any indicated enclosures thereon is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571-273-8300 on the date shown below:



Allyson Ross



Date

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